

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Criminal Misc.No.16651-M of 2005 (O&M)

Date of Decision: December 1, 2006

Gurmukh Singh and another

...Petitioners

VERSUS

State of Punjab & others

...Respondents

CORAM: HON'BLE MR.JUSTICE RANJIT SINGH

Present:- Mr.Amit Mehta, Advocate,
for the petitioners.

Mr.M.C.Berry, Sr.DAG, Punjab,
for the State.

Mr.Gurcharan Dass, Advocate,
for respondent No.4.

This order will dispose of Criminal Misc.Petitions No.16651-M of 2005 (Gurmukh Singh and another v. State of Punjab and others) and 30326-M of 2005 (Jagdish Singh and others v. Gurmakh Singh and another).

Matrimonial differences in this case led to the registration of criminal offences by both the sides against each other. Taranjit Singh son of Gurmukh Singh petitioner in CrI.Misc.No.16651-M of 2005 was married to Rupinderjit Kaur daughter of Jagdish Singh, one of the petitioners in CrI.Misc.No.30326-M of 2005. Taranjit Singh left for Australia and his wife Rupinderjit Kaur went back to her parental house at Amritsar. It appears that petitioner Gurmukh Singh,

who is an Advocate, had disowned his son and daughter-in-law, which was duly published in 'Amar Ujala' on 8.11.2003. Alleging that the parents of his daughter-in-law alongwith other relations had come to Ludhiana and had manhandled petitioner Gurmukh Singh by forcibly entering into his house on 18.1.2004, the impugned complaint was filed. On the other hand, Jagdish Singh, father of Rupinderjit Kaur, lodged a complaint at Police Station Civil Lines, Amritsar alleging demand of car as a dowry and for misappropriation of the dowry articles etc. On the basis of this, FIR No.10 dated 11.1.2005 was registered under Sections 498-A and 406 IPC. Gurmukh Singh had filed quashing of this FIR relying upon the letter written by Rupinderjit Kaur to the Senior Superintendent of Police, Amritsar that the said FIR was got recorded on the basis of some misunderstanding. It has also been mentioned that the differences between the families have been sorted out and the dispute was statedly compromised. Jagdish Singh and others accused by Gurmukh Singh for the offences under Sections 452, 323, 504, 506 & 34 IPC had also filed the petition seeking quashing of the complaint as well as the subsequent proceedings. In this petition also, a reference was made to an affidavit dated 21.1.2005 revealing that the matter had been compromised between the parties with the intervention of the respectables and that the differences between the families had been removed.

Notice of motion in Crl.Misc.No.30326-M of 2005 was issued. After noticing the compromise reached between the parties, this Court sent the copies of the affidavits to the Chief Judicial Magistrate, Ludhiana with direction to summon the parties and record

their statements. The further proceedings were stayed. It appears that Gurmukh Singh resiled from the compromise and statement to this effect was made and noticed on 10.8.2006. The case was accordingly adjourned for hearing the petitions on merits. After wavering for some time, wise counsel appear to have prevailed over the parties and they have now again decided to forget past and have compromised the matter to their entire satisfaction. Since the parties have earlier resiled from the compromise, it was considered appropriate to seek fresh response from the parties by way of affidavits in this regard. Affidavit of Gurmukh Singh in Crl.Misc.No.16651-M of 2005 and affidavit of Jagdish Singh in Crl.Misc.No.30326-M of 2006 have been filed in the Court and are taken on record. Both the affidavits reveal that the differences/disputes have been amicably patched up. Both the parties have conceded in their respective affidavits that the differences have been settled and that they would not have any objection in case the respective cases initiated at their instance are quashed.

The parties appear to have been fighting for nothing. It may sound strange but is a fact that the husband and wife in this case are happily living in Australia, whereas the families in India have been crossing swords without much justification. The petitioners in respective petitions have failed to appreciate that the dispute/differences between them may unsettle the matrimonial life of a couple leading a smooth married life. It is beyond comprehension as to what had prompted the families to continue combat over such trivial issues and still waver to settle the dispute/differences

unmindfully of the effect and the consequences of their disputes on the lives of their respective children. It is good to notice that ultimately wise counsel has dawned on them and they have decided to settle these disputes/differences amicably. The cases against the respective parties arising out of matrimonial dispute can be ordered to be quashed on the basis of a compromise in view of the Full Bench decision of this Court reported as Dharambir Vs. State of Haryana, 2005(3) RCR (Criminal) 426 and the law laid down by the Hon'ble Supreme Court in the case of B.S.Joshi Vs. State of Haryana, (2003) 4 SCC 675. This would be a case where allowing the proceedings to continue may result in discord between a couple, who are admittedly living happily. The FIR and the proceedings in the complaint case filed by Gurmukh Singh, as such, need to be brought to an end to secure the ends of justice.

Accordingly, both the petitions are allowed and FIR No.10 dated 11.1.2005 registered under Sections 406/498-A IPC at Police Station Civil Lines, Amritsar and the criminal complaint titled as Gurmukh Singh Vs. Jagdish Singh and others, under sections 452, 323, 504, 506 & 34 IPC, pending in the Court of Judicial Magistrate Ist Class, Ludhiana and the subsequent proceedings arising in both the cases are quashed.

December 01, 2006
ramesh

(RANJIT SINGH)
JUDGE